

****E-filed 04/27/2010****

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GREGORY NICHOLAS STESHENKO,

No. C 09-5543 RS

Plaintiff,

v.

**ORDER DENYING REQUEST FOR
RULE 54(b) CERTIFICATION**

THOMAS MCKAY, et al.,

Defendants.

On April 1, 2010, the Court entered an order that, among other things, dismissed Cabrillo College as a defendant and dismissed the “official capacity” claims against the individual defendants, on Eleventh Amendment grounds. Plaintiff now asserts that his claims for prospective injunctive relief are not barred by the Eleventh Amendment. Plaintiff is correct. The Second Amended Complaint prays for injunctive relief, and that request is not barred by the Eleventh Amendment, notwithstanding any implication to the contrary in the April 1, 2010 Order. Plaintiff’s request for certification under Federal Rules of Civil Procedure 54(b) of the Order insofar as it dismissed the third claim for relief—“involuntary servitude”—is denied.

Dated: 04/27/2010



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE